761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: December 1, 2011
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2275293
Incident:	Hit Shooting
Incident Date:	October 10, 2010
Unit:	Century Station / FOR II
Suspect:	Jonathan Cuevas M/21
Involved Employees:	Deputy Julio Jove #[redacted]
EFRC Date:	November 17, 2011

On November 17, 2011, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Todd Rogers, and Commander Anthony La Berge met and reviewed the above case.

FINDINGS:

The Committee determined the force used by Deputy Jove was objectively reasonable and in compliance with Department Policy. The Committee also determined their tactics were acceptable and within the scope of Department training.

TABLE OF CONTENTS
SH2275293

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: April 19, 2011	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 010-17874-2117-013	Date: October 10, 2010	Time: 0023 hours
City or Station: Lynwood	Nature of Incident: Suspect fled on foot from deputy, turned toward deputy while holding a handgun in his left hand. Dep. Jove, fearing for his safety, fired a total of six rounds striking the suspect. Susp. Cuevas was transported to the hospital where he was pronounced dead at 0104 hours.	
Location: Long Beach Blvd. x Josephine Street		

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 4-5 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐
6	None		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.			
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	
[redacted]	[redacted]				
Street Address: [redacted]	City: [redacted]	Zip Code: [redacted]	Work Ph: [redacted]	Home Ph: [redacted]	

Employee #	Last Name	First Name	M.I	(*circle one or more*)	
[redacted]	[redacted]	[redacted]	[redacted]	**On Duty** (circled), Present during shooting	Witness to shooting, Involved in shooting
				On Duty, Present during shooting	Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sum	David	C.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Thatcher	Michael	E.

PSTD Use Only
SH # 2275293

Officer Involved Shooting

URN: 010-17874-2117-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
10/10/2010	0220 hours	04/29/10	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	D.
[redacted]	Ramirez	Jack	H.
[redacted]	Rios	Jose (Jimmy)	J.

Shooting/Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	SW	38			NN	
E#1	S#1	FH	HK	45	Y	Y	GS	BT
E#1	S#1	FH	HK	45	Y	Y	GS	BK
E#1	S#1	FH	HK	45	Y	Y	GS	CH
E#1	S#1	FH	HK	45	Y	Y	DH	CH

See Front Side

Officer Involved Shooting
Involved Employee Informati

URN: 010-17874-2117-013

Involved Employees

E 1

Employee # [redacted]	Last Name: Jove	First Name: Julio	M.I.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212F
ShiftTime (*circle only one*): (EM circled) PM Day	ShiftType (*circle only one*): (Regular circled) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 4-5	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled)	Other Factors:
Age: [redacted] Height: 5'08"	Weight: 200		
Range Qualification Date: [redacted]		PPC Qualification Date: [redacted]	Laser Training Date: [redacted]
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] — Prior Shootings? ☒	Number of Prior Shootings: 2 — Directed Force: [redacted]
Weapons Fired Brand: Heckler & Koch — Caliber: .45 — # Shots: 6		Weapons Fired Brand: — Caliber: — # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: — Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots		Weapons Fired Brand: — Caliber — # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:		PPC Qualification Date:	Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: — Prior Shootings? ☐	Number of Prior Shootings: — Directed Force: ☐
Weapons Fired Brand: — Caliber — # Shots		Weapons Fired Brand: — Caliber — # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 010-17874-2117-013

Suspect Information

S 1

Last Name: Cuevas	First Name: Jonathan	M.I. A.
AKA Last Name:	First Name:	M.I.

Sex: M Race: Hisp.	Street Address [redacted]	City [redacted]	[redacted]
Work Phone: [redacted]	Home Phone [redacted]	Social Security #:	Driver's Licens[redacted]
Age: 21 D.O.B. 09/08/90	Height: 5'06" Weight: 140	FBI # [redacted]	CII # [redacted]
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☒	Coroner Case # 2010-06684	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make N/A		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

IAB INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING INVESTIGATIVE SUMMARY

UNIT:	Century Sheriff's Station
DATE:	October 10, 2010
TIME:	0023 hours
LOCATION:	Long Beach Boulevard and Josephine Street, Lynwood, CA 90262
URN#:	010-17874-2117-013
IAB#:	SH2275293

OPENING STATEMENT:

On October 10, 2010, IAB investigators Sergeant Jimmy Rios, Sergeant Jack Ramirez and Lieutenant Stephen Vaughan responded to a Command Post erected by Century Station personnel in regard to a Deputy Involved Hit Shooting in the City of Lynwood. IAB investigators, the District attorney's Office, and the Office of Independent Review were given a briefing by Homicide Lieutenant David Dolson.

SYNOPSIS:

On October 10, 2010, Deputy Julio Jove, Unit 212F EM's, was driving north on Long Beach Boulevard, just north of Josephine Street, when he saw three adult males standing in the northbound lanes of Long Beach Boulevard. One of the males was flashing gang signs. Deputy Jove stopped his radio car along the east curb line and behind the males in order to contact them.

As he began to exit his car, he ordered the males to place their hands on the hood of his radio car. One of the males complied, Deputy Jove saw that Suspect Cuevas had a handgun tucked into his front waistband. He (Jove) saw Cuevas grab the butt of the gun and begin to walk away south on the sidewalk.

Deputy Jove, now out of his patrol car, ordered the suspect to stop. The suspect quickly turned toward Deputy Jove. Fearing for his life, he fired two rounds from his duty weapon. The suspect immediately turned away and ran south on the sidewalk. He (Cuevas) suddenly fell onto his stomach at the corner of Josephine Street and Long Beach Boulevard. Deputy Jove approached the suspect.

The suspect was lying on his stomach with his hands underneath his body in the area of his waistband. Despite commands from Deputy Jove to show his hands, the suspect attempted to lift himself off the ground with his right hand while reaching into the area of his waistband with his left hand.

Deputy Jove fired three more rounds at the suspect. The suspect continued to move forward and flipped over onto his back. Deputy Jove again repositioned himself south of the suspect's location. He (Jove) saw the gun was still tucked into the suspect's waistband. The suspect again reached for the gun and Deputy Jove fired one last round at the suspect. Deputy Jove ordered the other two males who remained at his radio car to lie on the ground. They complied and were detained by assisting units.

The suspect's gun was recovered at the scene. He sustained multiple gunshot rounds to the upper torso. He was transported to Saint Francis Medical Center where he was pronounced dead.

The Deputy Involved Hit Shooting incident was investigated and documented by Homicide detectives. For more information, see the Homicide Investigation Book **[Exhibit A]**.

The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

JOVE, Julio, Deputy Sheriff, #[redacted]
Century Sheriff's Station,
Field Operations Region II

EMPLOYEE WORK HISTORY:

Date of Employment:	09-17-2000
Date assigned to Patrol:	[redacted]
Completed Patrol Training:	
Prior Shooting Incidents:	(2) 10-17-2008,CEN, SH2230378, Armed Person, 08-07-2009, CEN, SH2248403, Armed Person
Prior Founded Force Incidents:	[redacted]

SUSPECT:

CUEVAS, Jonathan, MH/20 yrs. DOB: 09-08-1990
[redacted]

Refer to Exhibit A, Homicide Book, Pages 93 thru 95 for Suspect Cuevas' Criminal History.

INVOLVED DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

1. [redacted] MH/36
2. [redacted] MH/33
3. [redacted] MH/21 (with Suspect Cuevas)
4. [redacted] MH/32 (with Suspect Cuevas)

INJURIES:

Suspect:

Deceased. Suspect Cuevas sustained multiple gunshots to his upper torso. He was transported to Saint Francis Medical Center where he was pronounced dead by Doctor Sims at 0104 hours. Refer to **Exhibit A,** Homicide Book, pages 96 thru 132 for Coroner's report.

Deputy Personnel:

No deputy personnel were injured.

WEATHER AND LIGHTING CONDITIONS:

This incident occurred during darkness. The weather was cool.

WEAPONS USED BY SUSPECT:

Smith & Wesson .38 caliber revolver, loaded with two live .38 caliber rounds was recovered at scene.

WEAPONS USED BY DEPUTY PERSONNEL:

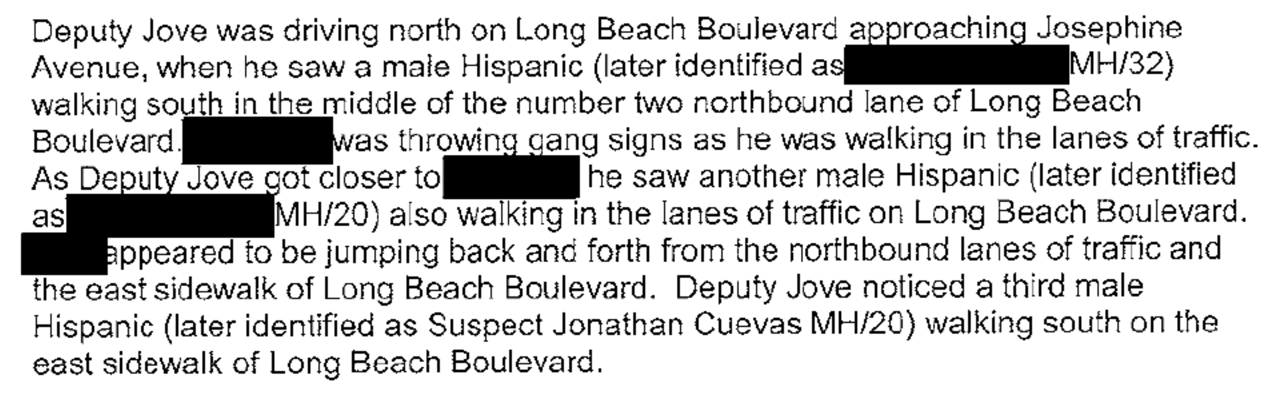
Deputy Julio Jove
Service Weapon- Heckler & Koch, model USP, .45 mm caliber, (Serial Number [redacted], Semi-Automatic Pistol.
Type Of Ammunition- .45 mm Winchester ammunition.
Ammunition- Six rounds fired and seven left in the magazine.
Shell Casings- Six .45 mm Auto caliber shell casings were located at the scene.
Date Employee Last Qualified: (Mobile Range): [redacted]
Date Last Trained With Weapon:

All weapons were examined, test fired, and found to be functional by Firearms Examiner Anny H. Wu #[redacted] **Lab Receipt Numbers K247051 and K225481,** Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section. **Refer to Exhibit A, Homicide Book, page #61.**

INVOLVED DEPUTY'S STATEMENTS:

Deputy Julio Jove, Employee #[redacted] was interviewed by Homicide Investigators on 10-10-2010, at approximately 0730 hours. A summary of their interview may be found on page 43 thru 47 of the Homicide Investigation Book, **Exhibit A.** Internal Affairs investigators reviewed the tape recording of said interview and that Homicide's summary of their interview is an accurate account of what was said.

Internal affairs Bureau conducted a Force Review interview on March 30, 2011, at approximately 0730 hours. The following is a summary of the incident as described by Deputy Jove. Additional information and precise wording may be obtained by reviewing Deputy Jove' s recorded interview (Job #31874) and attached interview transcription.


Deputy Jove was driving north on Long Beach Boulevard approaching Josephine Avenue, when he saw a male Hispanic (later identified as [redacted] MH/32) walking south in the middle of the number two northbound lane of Long Beach Boulevard. [redacted] was throwing gang signs as he was walking in the lanes of traffic. As Deputy Jove got closer to [redacted] he saw another male Hispanic (later identified as [redacted] MH/20) also walking in the lanes of traffic on Long Beach Boulevard. [redacted] appeared to be jumping back and forth from the northbound lanes of traffic and the east sidewalk of Long Beach Boulevard. Deputy Jove noticed a third male Hispanic (later identified as Suspect Jonathan Cuevas MH/20) walking south on the east sidewalk of Long Beach Boulevard.

Deputy Jove drove toward the three male Hispanics and illuminated them with his patrol vehicle spotlight. He saw [redacted] walking in the lanes of traffic and refused to move out of the way of his patrol vehicle. He stopped his patrol car and parked along the east curb line.

[redacted] and Jonathan Cuevas begin to walk toward his front-passenger door. [redacted] positioned himself in such a way as if to block his view (Jove) from Cuevas who was positioned to the left of [redacted] At this point, Deputy Jove thought the three males were setting him up for an ambush. He saw Suspect Cuevas remove a handgun from his waistband with his left hand. When he saw the handgun, he jumped out of his patrol car and began moving to the rear of his patrol car, paralleling Cuevas who was now moving south on the east sidewalk of Long Beach Boulevard.

As Deputy Jove began walking to the rear of his patrol car, he ordered the suspect to let him (Jove) see his (Cuevas) hands, but the suspect failed to comply. As Suspect Cuevas reached the rear area of the patrol car, he turned his body quickly to the right toward Jove. Deputy Jove fearing for his life, fired one round at the suspect. Deputy Jove was positioned at the left rear quarter panel of his unit when he fired his weapon. The suspect continued to run south on Long Beach Boulevard away from Jove. The suspect turned toward Jove for a second time. Fearing for his life, he fired a second round at the suspect. Deputy Jove was still positioned at the left rear quarter panel of his unit when he fired his second round. Deputy Jove was unsure whether the rounds he had fired had struck Suspect Cuevas. Suspect Cuevas continued running south on the east sidewalk of Long Beach Boulevard away from Deputy Jove. As Cuevas ran away, Deputy Jove could see the handgun in Cuevas' left hand. The suspect continuously looked back toward Deputy Jove as he ran away.

Deputy Jove began to yell at the suspect to stop, but he refused to comply to his verbal commands and continued running south. The suspect fell to the ground prior to reaching the southeast corner of Josephine Avenue and Long Beach Boulevard. Deputy Jove repositioned himself by moving west to the center median. The Suspect attempted to push himself off the ground with his right hand. Deputy Jove ordered the suspect to stop but the suspect refused to comply. The suspect began yelling out to Deputy Jove that he (Jove) had shot him. The suspect turned his body toward Deputy Jove. Deputy Jove fearing for his life, fired three rounds as he (Jove) moved in an easterly direction toward the suspect.

The suspect continued to move south (crawled) and as he got to the northeast corner of Josephine Street and Long Beach Boulevard, he turned over onto his back. Deputy Jove again repositioned himself to the south of the suspect. Deputy Jove saw the handgun in the suspect's waistband at this point. The other two males who were still positioned by Deputy Jove's radio car, proceeded to yell out profanities toward Deputy Jove.

Deputy Jove proceeded to put out emergent radio traffic and advised that he had been involved in a shooting. Deputy Jove continued to issue verbal commands to the suspect. At this point the suspect's hands were above his head. As Deputy Jove issued the verbal commands, Suspect Cuevas proceeded to move his hands down to his waistband area. Deputy Jove fearing for his life, fired one final round at the suspect.

INVOLVED DEPUTY WITNESS STATEMENT:

None

SUSPECT STATEMENTS:

Suspect deceased.

NON-DEPARTMENT WITNESS STATEMENTS:

[redacted] was interviewed on 10-10-2010, at approximately 0415 hours by Homicide Detectives and Internal Affairs Bureau. A summary of his interview may be found on pages 37 and 38 of the Homicide Investigation Book, **Exhibit A.** Additional information and precise wording may be obtained by reviewing the recorded interview, Refer to **Exhibit F.**

[redacted] was interviewed on 10-10-2010, at approximately 0445 hours by Homicide Detectives and Internal Affairs Bureau. A summary of his interview may be found on pages 38 and 39 of the Homicide Investigation Book, **Exhibit A.** Additional information and precise wording may be obtained by reviewing his recorded interview, Refer to **Exhibit F.**

[redacted] was interviewed on 10-10-2010, at approximately 0521 hours by Homicide Investigators and the Internal Affairs Bureau. A summary of his interview may be found on pages 40 thru 43 of the Homicide Investigation Book, **Exhibit A.** Additional information and precise wording may be obtained by reviewing his recorded interview, **Refer to Exhibit F.**

CRIMINAL INVESTIGATOR and CHARGES FILED:

Suspect Deceased

PROPERTY DAMAGE:

None



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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May 12, 2011

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0784
L.A.S.D. File # 010-17874-2117-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 10, 2010, fatal shooting of Johnathan Cuevas by Los Angeles County Sheriff Deputy Julio Jove. It is our conclusion that Deputy Jove acted in lawful self-defense.

The following analysis is based on reports prepared by the Los Angeles County Sheriff's Department (LASD), submitted to this office by Adan Torres and Jeff Leslie, LASD, Homicide Bureau. The District Attorney's Command Center was notified of the shooting on October 10, 2010, at approximately 1:10 a.m. The District Attorney Response Team, comprised of Deputy District Attorney Deborah Escobar and District Attorney Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene. Deputy Jove provided a voluntary statement which was considered as part of this analysis.

FACTUAL ANALYSIS

On October 10, 2010, at 12:23 a.m., LASD Deputy Julio Jove was traveling north on Long Beach Boulevard when he observed [redacted] walking in the northbound lanes of traffic showing gang signs at passing cars. Several vehicles had to brake and swerve around [redacted] to avoid hitting him. At the same time, [redacted] was running back and forth from the east sidewalk to the middle of the street. Jove also observed Johnathan Cuevas standing on the east sidewalk near both men. Jove pulled over to the east curb and used his driver side spotlight to illuminate the men. [redacted] immediately raised his hands in the air and placed them on the hood of the police car. As Jove opened his driver's door, [redacted] walked to the front passenger door. It appeared to Jove that [redacted] was attempting to block his view of Cuevas who

was standing behind him on the sidewalk. Based on their unusual behavior, Jove believed they were setting him up for an ambush. Jove then saw Cuevas pull a handgun from his front waistband. As Jove jumped out of the police car, Cuevas walked southbound on the sidewalk with his back to the deputy.

Jove yelled to Cuevas, "Let me see your hands! Let me see your hands!" Cuevas quickly turned his upper body toward Jove. Fearing that Cuevas was about to shoot him, Jove fired one round from his service weapon. Cuevas began running southbound. As Jove gave chase, he saw Cuevas turn once more and blade his body toward him. Jove fired another round at Cuevas fearing that he was still trying to shoot him. Cuevas ran a short distance before falling to the curb just north of the northeast corner of Josephine Street and Long Beach Boulevard. Cuevas screamed, "You fucking shot me!" Jove ran up to Cuevas and stood in the number two lane of traffic on Long Beach Boulevard. He was momentarily blinded by the headlights of oncoming vehicles. The drivers were honking their horns at him as he stood in the street. He could also hear [redacted] and [redacted] yelling and cursing at him back at the police car. Cuevas was lying on his stomach with his hands beneath his body at his waistband. He was aggressively moving his shoulders from side to side. Jove repeatedly ordered Cuevas to, "Let me see your hands, let me see your hands!" Cuevas did not comply and continued to move his body while screaming, "Fuck you! Fuck you! You fucking shot me, you fucking shot me!"

Cuevas began "messing with his waistband" then rolled toward his left shoulder. His right shoulder and knee came off the ground. Cuevas was looking directly at Jove while ignoring his commands to show his hands. Jove believed that Cuevas was attempting to roll over in order to pull the gun from beneath his body and shoot him. He fired a third round at Cuevas. Cuevas rolled onto his back and put his hands above his head. Jove saw the gun falling out of Cuevas' waistband.[1] Cuevas arched his back while cursing at Jove and complaining of pain. Jove ordered Cuevas to stop moving several times before it appeared to Jove that he was complying. Jove turned his attention to [redacted] and [redacted] and ordered them to their knees. Cuevas began to move again and his hands lowered toward his waistband. Jove repeatedly ordered Cuevas not to reach for the gun. Cuevas ignored the commands and continued to reach for the gun. In fear for for his life, Jove fired two to three rounds from his service weapon to prevent Cuevas from grabbing the gun. He did not believe he struck Cuevas until the last round when Cuevas said, "Alright already, alright," and put his hands back above his head. Cuevas stopped moving but continued to yell profanities at Jove. A responding deputy arrived and recovered the handgun from Cuevas' waistband. Cuevas was transported to St. Francis Hospital where he was pronounced dead at 1:04 a.m.

Statement of Deputy Levang

Deputy Levang responded to the intersection of Long Beach Boulevard and Josephine Street in response to Deputy Jove's request for assistance. When he arrived, Jove was detaining Cuevas on the ground at gunpoint. He observed a handgun inside Cuevas' waistband. Jove ordered

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[1] Jove did not attempt to retrieve the gun out of concern for his safety. If he became engaged in a wrestling match with Cuevas, it would leave himself vulnerable to [redacted] and [redacted]

Cuevas to keep his hands above his head approximately five times. Cuevas moved his hands toward his waistband and the gun. Levang approached Cuevas and recovered a Smith & Wesson .38 revolver with two live rounds in the cylinder from his waistband.

Statement of [redacted]

[redacted] was with Johnathan Cuevas, and a male Hispanic he only knew as a [redacted] of Cuevas' [redacted] Just before the shooting, they had bought beer at a liquor store on Long Beach Boulevard. They were walking south on the west side of Long Beach Boulevard and decided to jaywalk across the street. When they reached the east side, a police car stopped abruptly next to them. The deputy got out of the car, pointed his gun at them and ordered everyone to put their hands on the hood of the car. Cuevas took off running southbound on the sidewalk while [redacted] and [redacted] stayed at the police car. [redacted] believed Cuevas panicked because he had a gun.[2] [redacted] was looking at the deputy and did not see what, if anything, Cuevas did before running.

The deputy took a few steps toward Cuevas and shot at him twice. Cuevas was hit once in the back and fell to the sidewalk and began screaming. He began to roll back and forth and his right hand came toward his left side and back. Cuevas told the deputy, "I give up." The deputy ordered Cuevas to put his hands up. At that time, the deputy turned toward [redacted] and [redacted] and ordered them to the ground. [redacted] then heard Cuevas say, "Alright, alright, I got a gun, I got a gun." The deputy shot Cuevas again. [redacted] and [redacted] yelled at the deputy, "Hey, that's not right!" The deputy looked at them then shot Cuevas again. He told Cuevas, "You better not reach for that gun. You better not reach for that gun." Cuevas was rolling and screamed in pain for an ambulance. The deputy then pulled a gun out of Cuevas' front pants pocket and put it on the sidewalk.

Statement of [redacted]

[redacted] initially refused to speak with detectives and claimed not to have seen anything.[3] He eventually admitted to witnessing the shooting. He was walking on the east sidewalk of Long Beach Boulevard when he saw an individual running and a deputy sheriff shoot at him and miss. The deputy was standing by the driver side of his patrol car when he fired the first time. The deputy moved toward the individual and fired a second time hitting him. The individual fell to the ground and began to roll around in pain. The deputy yelled, "Don't move. Don't move," then shot him three to four more times. [redacted] believed that the officer thought the individual was reaching for his pocket and shot him because he did not know if he had a gun [redacted] was unaware whether the person who ran had a weapon.

[redacted] did not see the gun that night but knew that Cuevas carried a revolver. Shortly before the shooting, Cuevas told him that he was carrying the gun.

[redacted] said he had just met two guys at a liquor store and did not know their names. He also said he was drunk at the time of the shooting.

observed on the east curb just north of the northeast corner of Long Beach Boulevard and Josephine Street.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed he or others were in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal.App.3d 731; People v. Glover (1903) 141 Cal. 233; People v. Ortiz (1923) 63 Cal.App. 662.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments -- in circumstances that are tense, uncertain, and rapidly evolving -- about the amount of force that is necessary in a particular situation. Graham v. Conner, (1989) 490 U.S. 386, 396-397.

In *Graham*, the United States Supreme Court held that the reasonableness of the force used "requires careful attention to the facts and circumstances" of the particular incident. "…Thus, under *Graham*, we must avoid substituting our personal notions of proper police procedure for the instantaneous decision of the officer at the scene. We must never allow the theoretical, sanitized world of our imagination to replace the dangerous and complex world that policemen face every day. What constitutes "reasonable" action may seem quite different to someone facing a possible assailant than to someone analyzing the question at leisure." *Smith v. Freland* (6th Cir. 1992) 954 F.2d 343, 347

The evidence examined in this investigation indicates that rather than risk arrest, Cuevas chose to flee from Deputy Jove with a loaded firearm in his hand. Cuevas ignored Jove's commands to show his hands, and instead turned toward the deputy on two occasions as he fled. Cuevas' actions placed Jove in reasonable fear that he was about to be shot causing him to respond with deadly force.

It is undisputed that Cuevas was moving around once he fell to the sidewalk. Although the witnesses attributed his behavior to pain, they were unaware that he was armed with a gun. Jove believed that his life was in jeopardy when Cuevas rolled from his stomach exposing the gun beneath him and fired additional rounds. Once on his back, Deputy Jove continued to order Cuevas to stop moving and not to reach for the gun falling out of his waistband. Instead of complying, Cuevas placed Deputy Jove in reasonable fear for his life when he reached for the gun.

Statement of [redacted]

[redacted] was at the drive-thru window of Tam's when he heard two gunshots. Tam's is located on Long Beach Boulevard just south of Josephine Street. After receiving his food and waiting to make a right turn [redacted] heard another gunshot [redacted] made a right onto Long Beach Boulevard and stopped for a red light at Josephine Street. He noticed a deputy sheriff standing at the northeast corner. As he drove through the intersection, [redacted] saw that the deputy was standing to the side of a man lying on his stomach on the sidewalk. The man rolled to his side and then to his back with his arms extended out in front of him. He heard someone yell, "Stop, stop stop," and assumed it was the man on the ground because the voice sounded like someone in pain. He then saw the deputy shoot at the man three times. He never heard the deputy say anything.

Video Surveillance

A camera is positioned on a light pole at the southwest corner of Long Beach Boulevard and Josephine Street. A detailed description of the two individuals and their movements is impossible due to the camera's distance from the scene and the poor lighting. The video shows traffic slowing down shortly before a patrol car comes to a stop at the east curb. It shows Cuevas running south on the sidewalk and falling to the ground. It shows Jove exiting the patrol car and running south in the street toward Cuevas. Cuevas can be seen constantly moving around as he lies on the curb.

Autopsy Report

Los Angeles County Medical Examiner David B. Whiteman, M.D., performed a post-mortem examination on the body of Johnathan Cuevas on October 13, 2010. Cuevas had a total of four gunshot wounds. He sustained a fatal gunshot wound to the middle right back which was back to front, right to left and upward. He sustained two fatal gunshot wounds to the right flank which were back to front, right to left and upward. There was a fourth potentially life threatening wound to the lower right back which was back to front, right to left and upward. The toxicology report revealed that Cuevas' blood tested positive for the presence of methamphetamine and marijuana.

Other Evidence

Deputy Jove's service weapon is a Heckler & Koch .45 auto caliber semiautomatic handgun. He normally carries it with one round in the chamber and the twelve round magazine loaded to capacity. When the weapon was recovered it contained seven Winchester .45 auto caliber cartridges in the magazine.

Two Winchester .45 auto casings were recovered on Long Beach Boulevard southwest of the patrol car. Four Winchester .45 auto casings were recovered in the vicinity of the northeast corner of Long Beach Boulevard and Josephine Street. Two possible bullet strikes were

We conclude that Deputy Jove acted in lawful self-defense when he used deadly force against Johnathan Cuevas. We are therefore closing our file and will take not further action in this manner.

Very truly yours,

STEVE COOLEY
District Attorney

By Deborah A Escobar

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c: Deputy Julio Jove, [redacted]